IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 3042 of 2007(K)

PETITIONER:

VEHICLE FACTORY, MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA, JABALPUR-482009,
MADYA PRADESH, REP. BY ITS ADDL.GENERAL MANAGER.

BY ADV. SRI.MOHAN IDICULLA ABRAHAM

RESPONDENTS:

---

1. THE NTIONAL CONSUMER DISPUTES
REDRESSAL COMMISSION, JANPATH BHAVAN,(OLD INDIAN
OIL BHAVAN) 5TH FLOOR, `A' WING, JANPATH,
NEW DELHI 110001.

2. THE KERALA STATE CONSUMER DISPUTES
REDRESSAL COMMISSION, SISU VIHAR LANE,
VAZHUTHACAUD, SASTHAMANGALAM P.O.,
TRIVANDRUM- 695 010.

3. CICILY KALLARACKAL, KOZHICHAL,
REPRESETNED BY HER POWER OF ATTORNEY HOLDER
K.P.JACOB, KOZHICHAL,KANNUR DISTRICT.

BY ADV. SRI.R.MANU
SRI.M.K.SUMOD
SRI.KAUSER EDAPPAGATH
SRI.K.R.AVINASH (KUNNATH)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

APPENDIX (WP(C) NO. 3042 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the order dtd.26.2.2001 in OP 83/1997 of R2.

Ext.P2: Copy of the affidavit dtd.14.9.2001 in IA 1480/2001.

Ext.P2(a): Copy of the petition dtd.20.11.2001 of I.A.1480/2001.

Ext.P3: Copy of the order dtd.3.10.2002 in I.A.1480/2001.

Ext.P4: Copy of E.P.No.13/2001.

Ext.P5: Copy of the objection to E.P.No.13/2001 filed by the petitioner.

Ext.P6: Copy of the commission report dtd.19.7.2003.

Ext.P7: Copy of the statement dtd.14.10.2001 filed by the petitioner.

Ext.P8: Copy of the order dtd.26.12.2005 in E.P.13/2001 of R2.

Ext.P9:Copy of the Revision Petition No.736/2006 filed before R1.

Ext.P10: Copy of the order dtd.3.4.2006 of R1 in R.P.736/2006.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 3042 OF 2007- K

Dated this the 18th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P10 order of the National Consumer Disputes Redressal Commission, New Delhi. The issue relates to repairing of a vehicle which was supplied by the petitioner. The Kerala State Consumer Disputes Redressal Commission directed repairing of the vehicle. However, the National Commission by Ext.P10 found that the vehicle is now non-repairable and therefore, there is no alternative, but to direct the petitioner to refund the purchase price of the vehicle. The National Commission itself observed that normally, the revisional authority in a revision filed by the petitioner could not have directed so, but in the peculiar facts of the case, the Commission has adopted the said course. Since the order by the Commission is just and equitable, I am not inclined to exercise my discretionary jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

Accordingly, the writ petition is dismissed.

Sd/-

S. SIRI JAGAN,

Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007